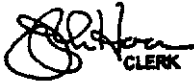


**FILED**

MAY - 2 2007

  
CLERK

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION**

\*\*\*\*\*

HEARTLAND ORGANIC FOODS INC  
EUGENE PAULSON ASSIGNEE and  
EUGENE PAULSON in his personal capacity  
Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, FEDERAL MOTOR  
CARRIER SAFETY ADMINISTRATION,  
UNITED STATES OF AMERICA, DUDLEY  
FEIGE, MARK D. GILMORE and  
JOHN and/or JANE DOES yet to be determined  
Defendants

COMPLAINT

01007-1007

\*\*\*\*\*

**JUDICIAL NOTICE  
DEMAND FOR RIGHTS**

**Comes now the plaintiff in the above styled cause, providing Notice to this court that the plaintiff demands his constitutionally secured rights to defend himself and to also have competent, meaningful and effective *assistance of counsel*.**

**The plaintiff has never waived his right to defend himself. The plaintiff demand his right to preserve actual control over his case. This is the core of the *Fayette* right. *McCaskey v. Wiggins*, 465 U.S. 168, 178 (1984).**

**The plaintiff is not an attorney and does not intend to represent himself as an attorney. The plaintiff intends to defend himself and also demands his Sixth Amendment right to *assistance of counsel*.**

**The accused has never accordingly. waived his Sixth Amendment right to, *assistance of counsel*. and notices the court**

**ALL DEFENDANTS ARE SUED IN THIER  
INDIVIDUAL AND /OR OFFICIAL CAPACITY'S.**

**PARTIES**

1. Plaintiff Eugene Paulson is, and was at all times relevant to this action, a citizen and resident of the State of South Dakota. ( hereinafter Paulson )

2. Plaintiff Heartland Organic Foods Inc., is and was at all times relevant to this action, a duly licensed and registered South Dakota Corporation. (hereinafter Heartland) Heartland has assigned all of it's interest in this case to Eugene Paulson

3. United States Department of Transportation (hereinafter DOT)

4. Federal Motor Carrier Safety Administration (hereinafter FMCSA)

5. United States of America (hereinafter USA)

6. Dudley Feige, Safety Investigator, FMCSA, sued in his official and in his personal capacity.

7. Mark D, Gilmore, Division Administrator, US Department of Transportation , FMCSA, 116 East Dakota Ave, Pierre, SD 57501 sued in his official and in his personal capacity.

**8. THE PLAINTIFF FIRMLY BELIEVES THAT OTHER ACTORS ARE INVOLVED IN THIS ENTERPRISE AND RESERVES THE RIGHT TO ADD DEFENDANTS AT ANYTIME, DURING AND AFTER DISCOVERY, THAT IS AGREEABLE TO THE COURT.**

**JURISDICTIONAL STATEMENT**

**THE US DISTRICT COURT HAS JURISDICTION OF THIS ACTION**

**AND OF THE ACTORS PURSUANT TO ONE OR MORE OF THE**

**FOLLOWING ARTICLES AND AMENDMENTS TO THE**

**CONSTITUTION AND USC STATUTES.**

US Constitution Article I Sec 7&8

US Constitution Amendments 1, 4,5, 6, 8, and 13,

5 USC Sec 552 Freedom of Information

18 USC Sec. 241 Conspiracy against rights

18 USC Sec 1584 Sale into involuntary servitude

28 USC Sec. 1331. General Federal question statute

28 U.S.C. Section 1343. Civil rights and elective franchise

28 U.S.C. Sec. 1367 supplemental jurisdiction

28 U.S.C. Sec. 1651, the all writs act.

28 U.S.C. Sec. 2201 and 2202, the Declaratory and injunctive relief  
statutes

28 U.S.C. Sec. 2403

**VENUE IS FOUNDED ON ONE OR MORE OF THE FOLLOWING**

(a) 28 USC Sec. 1391 (b) and (c) because this is the judicial  
district in which the claims arose; and

(b) 18 USC Sec. 1965 (a) because at all times relevant hereto,  
the defendants and the enterprise, resided in, was found, had agents, or transacted its  
business in this judicial district.

**NATURE OF THE CASE**

1. On or about the 11th Day of March, 2004 Eugene Paulson submitted a  
Freedom of information request to the FMCSA requesting numerous documents from  
that agency. (See exhibit A)

2. The documents requested are necessary in the investigation of the legality

of the existence of the rules promulgated by the FMCSA in the fulfillment of their Congressionally mandated mission.

3. FMCSA acknowledged the receipt of the request with a letter of excuses that they were awfully busy and would not be able to provide the requested documents according to law. (See Exhibit B)

4. Months latter I did receive the answer to one of the questions addressed in my request. (See exhibit C)

5. The letter stated that there is no scientific proof , any where in the Government, that log books do anything to enhance safety on the US highways.

5. It has now been three full years and in spite of repeated demands so far no reply regarding any of the other requested documentation.

6. The documentation is primarily requests for proof that the agency has promulgated rules according to federal law and the US Constitution.

7. That documentation should have been on FMCSA's desk prior to it's beginning any activity and is mandated to be monitored constantly.

8. FMCSA has requested a Court order from this Court with out complying with rules of civil procedure and the Due Process Clause of the Federal Constitution requiring notice to the parties of proceedings filed against them.

9. FMCSA is now requesting documents from the plaintiff in spite of their violation of the First Amendment to the Constitution which states the right of Citizens to petition the Government for a redress of grievances and 5 USC 552.

10. FMCSA is violating Amendment IV The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures.

11. FMCSA is violating the V amendment by requesting information from me that may tend to incriminate me.

12. FMCSA is violating the VI Amendment in several ways.

13. FMCSA is violating the VIII Amendment with a rule that allows them the right to asses a fine according to the defendants ability to pay and without a judicial proceeding. It is also a direct violation of the rule that all persons must be treated equally under the law.

14. FMCSA is in direct violation of the XIII Amendment which prohibits involuntary servitude in that it requires this mountainous amount of paper work which it refuses to pay the carriers for. I estimate the cost to the carriers must be in the billions of dollars per year and they do not appear to be able to document any improvements at all in highway safety.

#### **Constitution for the USA, Amendment XIII**

**Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.**

**Section 2. Congress shall have power to enforce this article by appropriate legislation.**

#### **USC § 241. Conspiracy against rights**

**If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years**

or for life, or both, or may be sentenced to death.

USC § 1584. Sale into involuntary servitude

Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

UNITED STATES v. KOZMINSKI, 487 U.S. 931 (1988)

The court held that involuntary servitude exists only when the master subjects the servant to (1) threatened or actual physical force, (2) **threatened or actual state-imposed legal coercion**, or (3) fraud or deceit where the servant is a minor or an immigrant or is mentally incompetent.

For purposes of criminal prosecution under 241 or 1584, the term "involuntary servitude" necessarily means a condition of servitude in which the victim is forced to work for the defendant by the use or threat of physical restraint or physical injury **or by the use or threat of coercion through law or the legal process**. This definition encompasses cases in which the defendant holds the victim in servitude by placing him or her in fear of such physical restraint or injury or **legal coercion**. Pp. 939-953.

15. This agency is spending in excess of 500,000,000 dollars per year and all of the concerns that I had in my original FOIA are seemingly without answers. I can find no research or reports even today that address the original concerns and this is three years after the fact. FMCSA is spending 500,000,000 million dollars of taxpayers money and the industry is spending in the billions of dollars in efforts to comply with FMCSA rules and regulations. A recent report (April 19, 2007) to congress by John Hill, FMCSA administrator, basically says that they have not been able to do anything to improve safety so far (about seven years) but they are working on it.

**STATEMENT OF JOHN H. HILL  
ADMINISTRATOR  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION  
  
BEFORE THE SENATE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON TRANSPORTATION, HOUSING AND URBAN  
DEVELOPMENT, AND RELATED AGENCIES**

**APRIL 19, 2007**

**SAFETY IS NUMBER ONE**

The largest share - \$489 million or 93 percent - of our budget focuses on reducing large truck and bus crashes.

16. As a taxpayer , someone with a working knowledge of the FMCSA's predatory actions and someone concerned about how my children and grandchildren are going to pay for this foolishness I feel that it is important to be able to arrive at a conclusion as to whether any of FMCSA's activities are actually lawful. There is settled law, there is statutory law which must comply with the constitution and then there is the CFR rules which must be in harmony with both the constitution and the statute at large that spawned it. I do not believe that FMCSA has considered either the constitution or the statutory law that created it in promulgating its CFR Rules..

17. THE DOCUMENTS REQUESTED WERE NOT SOMETHING THAT FMCSA SHOULD NOT HAVE HAD READILY AVAILABLE AND THERE IS NO DEFENSE AS TO WHY IT SHOULD TAKE OVER THREE YEARS TO FURNISH THE SAME TO THE PLAINTIFF.

**RELIEF DEMANDED**

The plaintiff hereby moves this honorable court for an order directing the Federal Motor Carrier Administration, pursuant to 5 USC to immediately furnish the documents requested in the original request and to forthwith supply any other documents that may be

requested to Eugene Paulson.

In addition to issue a temporary injunction against any other enforcement and/or collection activities against Eugene Paulson , any other officer of Heartland Organic Foods and Heartland Organic Foods Inc until such time as the agency submits all documents requested and Eugene Paulson has 60 days to examine the last of them.

Submitted this 1st Day of May, 2007.

A handwritten signature in cursive script, reading "Eugene Paulson", written over a horizontal line.

Eugene Paulson  
10454 1st St.  
Rosholt, SD 57260  
605-537-4220